

**KENTUCKY BOARD OF RESPIRATORY CARE**

**SUMMARY MINUTES**

April 10, 2008

A special meeting of the Kentucky Board of Respiratory Care was held at 5:30 p.m., at Sal's Restaurant, 3347 Tates Creek Road, Lexington, KY on Thursday, April 10, 2008.

**MEMBERS PRESENT**

Dr. Byron T. Westerfield, Chair  
Klaus Becker, Vice-Chair  
Tami McDaniel  
Pat Fisher  
Dr. Abdi Vaezy  
Jeff W. Knight

**KBRC STAFF**

Peggy Lacy Moore, Executive Director  
Rick L. Rose, Administrative Assistant

**OTHER**

Cheryl Lalonde, AAG

Dr. Westerfield called the meeting to order at 5:45 p.m., at the Sal's in Lexington, KY.

**Minutes**

Klaus Becker moved to approve the February 28, 2008 minutes as amended; seconded by Tami McDaniel. Motion carried unanimously.

**Budget Report - FY 2006-2007**

Mrs. Moore presented copies of letters that were mailed to the KY State Senate Appropriations and Revenue Committee and the KY House of Representatives Appropriations and Revenue Committee members. The Board requested these letters in regard to a sweep of KBRC's funds of \$24,000 proposed to be taken from our FY 2007-2008 budget of \$181,100. Also, proposed was another sweep of funds in FY 2008-2009 of \$14,300 from our budget of \$181,100. GOPM advises the fund transfers are part of the Governor's Budget Recommendations to the Legislature for FY 2008-1010 budget. The members all agreed this proposal is not a good practice and leaves the Board no better than we were before we raised our fees for the first time in September 2006. We do not get any appropriations from the General Fund. Tami McDaniel stated she wished the KSRC had funds to hire a lobbyist to get involved at times like this. Mrs. McDaniel asked the professional organization members to contact legislators to strongly oppose the practice of fund transfers because it is another form of taxation on the profession. Ms. Lalonde advised some boards and agencies in the US were successful in passing legislation that required restoration of swept funds when the state returned to surplus balances. This may be something boards may want to consider for future action.

**Legislative Updates on Bills Before the General Assembly**

Mrs. Moore updated the Board of the Governor's Ethics legislation. HB 250 did not pass the 2008 Legislative Session nor did HB 113 or HB 208. HB 406 (budget bill) passed on the 11<sup>th</sup>

hour of the Session and includes the sweep of funds from Boards and Commissions over the next two years.

**Report from CEU Committee - Continuing Education**

Pat Fisher updated the Board on the CEU submissions she had reviewed and approved. Ms. Fisher had questions from practitioners concerned about what was allowable as a CEU with regards to college courses. Ms. Lalonde provided a draft statement pertaining to CEU's in regards to college courses. A motion was made by Pat Fisher to adopt the statement Ms. Lalonde provided on "Academic Courses Eligible for Continuing Education Credits". The statement will be placed in our newsletter and on the website to make it clearer about what is acceptable. The statement will also encourage folks to get CEU's approved early, prior to their renewal cycles; seconded by Dr. Vaezy. Motion carried unanimously.

**Agreed Orders:**

**Shirley Henderson KY # 0086 Agreed Order 5/20/05 & Amendment 10/16/06**

Ms. Lalonde provided some background for the new members on Shirley Henderson. Mrs. Henderson is participating in a drug court program in Marshall County, KY and entered into a second diversion program. Ms. Lalonde advised Ms. Henderson's clock starts over and she must document six months of continued sobriety working with the KYPRN program before she may petition the Board for reinstatement of her respiratory license. Mr. Fingerson reports he will reinstitute Mrs. Henderson's drug screening with BaptistWorx in addition to what the drug court is doing so we can have our own documentation and proof should it become necessary.

**Darlene Jackson KY # 4926 – Agreed Order 3/15/05**

Mrs. Moore stated we have received documentation that Ms. Jackson is in compliance with the terms of her Agreed Order.

**Katrina A. Baker KY # 0208 – AO 4/20/06; Amended Order 3/16/07 & 8/9/2007**

Ms. Lalonde advised that Katrina Baker has been readmitted to a continuing care group at Questhouse in Bowling Green, KY for her third try at rehabilitation. Ms. Baker failed on her monthly reporting to Mr. Fingerson and the KYPRN Program as of October 17, 2007. The Board agreed Ms. Baker will need to document one (1) year of continued sobriety working the KYPRN Program with Mr. Fingerson before requesting reinstatement of her license, which will not be any sooner than April 2009.

**Sharon Barnes KY # 0556 – AO 5/20/05 & Amended 8/17/06; March 18, 2008**

Ms. Lalonde advised Sharon Barnes signed and surrendered her respiratory license beginning March 18, 2008 for six months due to testing positive for barbiturates in a recent drug screen. The Board received allegations on March 20, 2008 by Nurse's Registry, her former employer, and the Winchester Police Department, that Ms. Barnes has been arrested for stealing drugs at a patient's residence in Winchester. The Board will await the outcome of the criminal case against Ms. Barnes.

Ms. Lalonde will hereafter include a standard clause in all impairment orders that will require licensees to show their Agreed Orders to all employers.

**Tami D. Baler KY # 2181 – KYPRN Update & AO Pending**

Ms. Lalonde advised Ms. Baler's case is still pending. Her renewal is pending an Agreed Order with the Board. Ms. Baler needs to work with Mr. Fingerson to coordinate her rehabilitation with KYPRN and Bluegrass Comprehensive Care. A motion was made by Tami McDaniel to request legal counsel to draft an Agreed Order for Ms. Baler consistent with the aims of the two programs to include:

- three (3) years probation
- completion of 24 out-patient counseling sessions with Dottie Wheeler
- attendance of four (4) two-hour women's sessions
- attendance of four AA meetings a week
- adherence to the KYPRN agreement
- copies of the Agreed Order to all employers
- notification to the Board of any employer changes
- 12 random drug screens a year at her own expense

The motion was seconded by Pat Fisher and carried unanimously.

**Old Business**

**Mark Pierce KY # 0936 Certified Copy of Indictment - Case Closed w/ KBRC**

Mrs. Moore presented a certified copy of Mark Pierce's felony indictment from Franklin Circuit Court. The Board requested staff to flag Mr. Pierce's conviction in the database in the event he should try to renew or reinstate his licensure in the future.

**Complaints**

**A. Edward R. Price - KY # 4682**

Ms. Lalonde advised the Final Order was mailed to Mr. Price by certified and regular mail on March 5, 2008. Mr. Price did not accept the certified letter and it was sent back to the Board "unclaimed". However, the regular mail was not returned. Mr. Price had 30 days (by April 5, 2008) to appeal the decision of the Board. The decision was not appealed.

**B. Gary D. Short – KY # 4901**

Ms. Lalonde advised the Agreed Order was mailed. Mr. Short called and talked with Mrs. Moore and Ms. Lalonde about stretching out his fine payments and suspension. A motion was made by Dr. Vaezy to allow Mr. Short to pay in limited installments so long as his license was suspended in the interim. The motion was seconded by Klaus Becker and carried unanimously.

## **New Business**

### **Patricia Hughes Email**

Ms. McDaniel presented an email from Patricia Hughes, PharmD, Pharmacy Clinical Coordinator for Lourdes Hospital, in Louisville, KY. Ms. McDaniel stated in a previous email to Ms. Hughes that if an order was written as a verbal order and signed by the physician, or if there are facilities or department specific policies that cover this practice, then the respiratory therapist is within our scope of practice to order any medicine approved by the physician.

### **Sleep-Techs Setting Up CPAP/BIPAP for Home Care Companies**

Ms. McDaniel stated folks had come to her and posed questions requesting the Board to readdress CPAP/BIPAP for DME home companies. The Board has a 1998 opinion statement on the website concerning home care settings. The questions concern Rest's setting up CPAP/BIPAP in the home settings and in sleep labs. Currently the RPSGT's are performing functions in the sleep lab and are not licensed by the KBRC. Dr. Westerfield stated the Board should not have an opinion at this time. He is hopeful that the issue will resolve itself when licensure comes in the next year or two. In the meantime, he's wary of the board taking a position because whichever position we take will be regarded as wrong.

### **Sherry Hensley Email "Scope of Practice Questions"**

Ms. McDaniel discussed with the Board an email inquiry from Sheri Hensley, a respiratory therapist working at Frankfort Regional Hospital, in Frankfort, KY. The Board reviewed the inquiries about hospital staffing, practices, and policies of patient ratio at the hospital. Ms. McDaniel will reply to Ms. Hensley that if she has a complaint to submit to the Board in writing with specific dates and facts concerning unsafe care, then the Board will proceed with the complaint.

### **Dave M. Ledoux Request for Reinstatement Under AO in Ohio**

Mrs. Moore presented a Reinstatement application for Dave M. Ledoux of Mason, Ohio. Mr. Ledoux presented information that he is under an Agreed Order in Ohio that includes two-year probation for a DUI. The Board agreed Mr. Ledoux could apply for reinstatement in Kentucky after he completes the term of his Agreed Order in Ohio.

### **Larry Watts and Tom Grant "Scope of Practice" Questions**

Ms. McDaniel addressed the Board about an email from Larry Watts, CRT/RPSGT, employed at Frankfort Regional Hospital in Frankfort, KY. Mr. Watts had questions regarding respiratory therapists working in a sleep lab administering the medication Ambien. The Board agreed as long as the administration of Ambien is considered the therapeutic use of a pharmacologic agents related to a cardiopulmonary procedure, and is approved by the medical staff of the licensed health care facility, the RT is within the scope of practice pursuant to KRS 313A.100(1). The Board was in agreement that a sleep study is considered a cardiopulmonary procedure. Therefore medications within the standard care that are given during a sleep study are within the RT scope of practice.

The second part of the email inquiry was from Tom Grant, RRT, of Richmond, KY regarding the Board's position on working 24 hour shifts (double shifts). The Board has not made a statement on this issue. Ms. McDaniel will research the NBRC and AARC regarding staffing guidelines and reply to Mr. Grant.

### **Ms. McDaniel Posed Questions on Emergency Transport and Care from TN**

Ms. McDaniel stated she had a call from a gentleman from TN regarding transport and care across state lines in an emergency vehicle and inquiring if he needs a KY license. The Board does not regulate the transport as long as they are performing emergency transport pursuant to KRS 314A.105 (1C), and if they are merely doing transport it does not invoke the practice of respiratory care. However, if they are doing any respiratory functions after delivery they would need a KY license.

### **Dona Beakes Email Re: Student Scope of Practice**

Mrs. Moore presented an email from Dona Beakes, RRT, employed at Norton Audubon Hospital in Louisville, KY. Ms. Beakes was inquiring about scope of practice for students. Ms. McDaniel replied to Ms. Beakes that KBRC laws 201 KAR 29:010 Section 3 states in part that **persons** holding a limited-mandatory certificate (students) shall be prohibited from establishing, managing and terminating mechanical ventilation. They are also prohibited from performing arterial puncture and blood gas analysis. They may perform any other respiratory care procedure or function for which they have received training. They also have to be under the supervision of someone that holds a mandatory certificate from the Board.

### **Announcements**

The next regular meeting will be held on Thursday, June 12, 2008 at 5:30 p.m., at the KBRC offices, 2624 Research Park Drive, Suite 304, Lexington, KY.

### **Approval of Per-diem, Compensation, Travel and Honoraria**

The motion was made by Tami McDaniel, and seconded by Jeff Knight, to approve the payment of per diem, compensation and travel for Board members. Motion carried unanimously.

### **Application Review**

A motion was made by Tami McDaniel to accept all **36** applications since the last meeting; seconded by Jeff Knight. Motion carried unanimously.

The following **Student applications (19)** were approved:

Heather D. Abbott, Ashley G. Christy, Edna I. Ewing, Aaron A. Defoe, Rachel M. Huff, Morgan M. Holland, Kevin M. Kelty, Nichole B. Lewis, Shannon M. Morehead, Stacy M. Pendley, Amy D. Peters, Melissa A. Renfro, Kirstie W. Thorpe, Viet K. Tran, Timothy D. Vetter, Steven M. Ward, Connie G. Taylor, Bernard J. Sheehan, Amit G. Bhatt.

No temporary applications were presented.

The following **NBRC applications (5)** were approved:

Darcy L. Cavins, Brian D. Knoch, Destiny A. Sharp, Christopher C. Siegert, Jennifer L. Smith.

The following **Reciprocity applications (12) were** approved:

Tracey L. Alexander, Alicia E. Alvarado, Shelly A. Ast, Robert H. Boyd, Ernest Brionez, Ashley S. Hunderman, Emily S. McKee, John P. Nauyokas, Leah D. Nolan, James G. Reed, William J. Triplett, Tammy L. Werner.

Tami McDaniel made a motion to adjourn the meeting at 8:30 p.m.; seconded by Jeff Knight. Motion carried unanimously.

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Dr. Byron T. Westerfield, Chair  
KY Board of Respiratory Care